

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || MARLO THOMAS,

Petitioner,

2:17-cv-00475-RFB-VCF

10 | vs.

ORDER

11 || TIMOTHY FILSON, *et al.*,

Respondents.

15 This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by
16 Marlo Thomas, a Nevada prisoner under sentence of death. Thomas filed a *pro se* habeas corpus
17 petition (ECF No. 1) on February 14, 2017.

18 Thomas also filed an application for leave to proceed *in forma pauperis* (ECF No. 4), despite
19 his payment of the \$5 filing fee for this action. In light of the information provided in that
20 application, regarding his financial status, the Court will grant Thomas leave to proceed *in forma*
21 *pauperis*, and will waive the payment of the filing fee.

22 In addition, Thomas filed a motion for appointment of counsel (ECF No. 5). The information
23 provided in Thomas's application for leave to proceed *in forma pauperis* shows that he lacks the
24 resources necessary to employ counsel for this capital habeas corpus action. Therefore, pursuant to
25 18 U.S.C. § 3599, and in the interests of justice, the Court will appoint the Federal Public Defender
26 for the District of Nevada (FPD) to represent Thomas. If the FPD is unable to represent Thomas,

1 due to a conflict of interest or other reason, then alternate counsel will be appointed. Thomas'
2 appointed counsel will represent him in all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e),
3 unless and until allowed to withdraw.

4 The Court has examined Thomas's petition for writ of habeas corpus, pursuant to Rule 4 of
5 the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct
6 the Clerk of the Court to serve the petition upon the respondents.

7 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *in Forma*
8 *Pauperis* (ECF No. 4) is **GRANTED IN PART AND DENIED IN PART**. Petitioner is granted
9 leave of court to proceed *in forma pauperis*. Payment of the filing fee for this action is waived.

10 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel
11 (ECF No. 5) is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to
12 represent petitioner. The Federal Public Defender shall have **30 days** from the date of entry of this
13 order to file a notice of appearance as counsel for petitioner or to file a notice indicating its inability
14 to represent petitioner in these proceedings.

15 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve a copy
16 of this order on the Federal Public Defender for the District of Nevada.

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
18 Attorney General of the State of Nevada, as counsel for respondents.

19 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve upon
20 respondents a copy of the habeas corpus petition in this case, and a copy of this order. Respondents'
21 counsel shall enter a notice of appearance within **30 days** of the entry of this order, but need take no
22 further action in this case unless and until the Court so orders.

23 DATED this 16th day of May, 2017.



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RICHARD F. BOULWARE, II
26 UNITED STATES DISTRICT JUDGE